

**SUPPLEMENTAL INSTRUCTION ON QUANTITY OF
CONTROLLED SUBSTANCES**

In Instruction No. 5, on quantity of controlled substances, at the top of page 16, I told you that controlled substances acquired for personal use should be included when determining the drug quantity for a “*conspiracy*” offense. I neglected to tell you, however, that controlled substances acquired or possessed for personal use should *not* be included when determining the drug quantity for the “*possession with intent to distribute*” offense. Instead, a defendant guilty of the “*possession with intent to distribute*” offense is responsible for quantities of the controlled substance in question that he possessed *with intent to distribute to another person or persons*, as “possession” is explained in Instruction No. 2, and “intent to distribute” is explained in Instruction No. 4, in the explanation to element *two* on page 13.